*782 627 /153 cont./ by the other party to drink blood in place of the principal in order to settle a dispute. There is also all-round blood drinking in which the witness and the disputing parties all drink blood. This generally occurs when the two parties mutually avail themselves of pretexts, and there is no alternative but for the two parties and the witness all to drink blood. Moreover, there are times when the whole family drinks blood. The whole family, father, mother, wife, and children, male and female, big and small, altogether enter the temple to drink blood. In drinking blood, this is the most important. After drinking blood each must take an oath, saying: "If you wrongly accuse me, I shall become very prosperous; if I wrongly accuse you, then I shall nine times die and nine times be cut off." After the blood drinking, there can be no regrets, regardless of whether the issue is important or trivial.

On drinking blood at the T'ien Wang temple, it is necessary to write out the oath /to be burned?/. A blood list is also burned. The blood supervisor is compensated with a sum of 880 cash or at most 8,800 cash, which is called "money for binding words." Three days after the blood drinking one has to kill an animal to make good the vow, which is called "repenting."

[691] [695] The Miao are addicted to kuei and to litigation. Sometimes litigation may last a year, and the court, unable to decide the case, may ask both parties to eat blood. This serves as a deterrent. Yen Ju-yü in his Miao Fang-pei Lan says: "Those who enter the temple to drink blood move on their knees and bellies, not daring to look up; those who are in the wrong dare not drink it, but repent and yield." In the course of our investigations in the Miao frontier area, the private secretary of the hsien government at Feng-huang, Mr. Wang Yüeh-yen told us: "The T'ien Wang temple is the Supreme Court of the Miao area. [695] When a Miao is not satisfied with the decision of the hsien government, then he is ordered to go to the T'ien Wang temple to drink blood. Whatever the litigation, big or small, it receives immediate settlement." [692] It can be seen that the Miao's awe of kuei is greater than their awe of the law.

/43 cont./

634 I shall now give a description of such a popular assembly,
•695 as I wrote it down according to the stories of the Meau.

The great chief lived in a house that was distinguished,
[342] not by its type of construction, but by its special size and beautiful appointments, /44/ from all the other houses in the village. From here he had issued the order through his officials for the popular assembly to convene. On the day of the assembly, the great chief took his place on a stool in the hall of
[516] his house. A few steps away from him the chiefs and village elders subordinate to him sat on their heels in a semicircle. All of these men had to be distinguished by an immaculate record, and not every head of a large family was considered worthy of this honor, no matter how old he was. The rest of the men squatted at a proper distance from these dignitaries, and those who could not find any space in the house itself squatted in a dense crowd on the open place in front of the
[276] house. Everybody smoked tobacco in large wooden pipes.

[292] The great chief, distinguished by a broad black sash and sleeve trimmings of the same color, remained seated as he opened the meeting by stating the facts of the case in a loud
[782] voice. Next he got up and went to the altar. Here he sacrificed either chickens or one or several pigs, depending on the importance of the issue before the assembly to the god of heaven and asked the latter to help him with his decision. Then he returned to his seat, sat down, and directed a question to one of the chiefs or village elders. The man addressed jumped up and answered. Sometimes, however, one of the elders would address one of the men in the crowd, perhaps a fellow-villager who was familiar with the issue under discussion. Then this man would jump up and not sit down again until he had given his answer. Finally, when everything was clear, the great chief gave his decision and asked those present to return to their villages. This brought the assembly to a close, and everybody relished the food that had been provided.

/253 cont./

692 the office of judge for him. In such cases, if an appeal is made [622] against his decision, the village chief is then the next higher [596] court. In disputes within a large family, the head of the family [693] officiates. For serious decisions, assemblies under the chairmanship of the village chief or the great chief are convened, as I have reported in the chapter, "Political Organization."

695 The judge, with the help of witnesses, tries to determine the facts of the case. Special importance is attached to the testimony of the witnesses, and can be, according to my experience, because among the Meau the witnesses always tell the truth, at least subjectively. Dhuraratsadorn (1) seems to have

1: Page 170.

made similar observations: "They believe that the Meau witnesses always tell the truth. In case of a crime, the Meau seldom question witnesses. If someone accuses another, the accused is either convicted or punished, or he may deny his guilt, /254/ in which case a fine is imposed on the accuser in favor of the accused. If it later turns out that he falsely denied [681] his guilt, he is expelled from the community and must leave the [626] village, for otherwise he would be killed."

In case of a criminal offense for which there are no witnesses, the investigations are discontinued after three years. Nevertheless, there is no time limitation for crimes. Even if the perpetrator is not discovered until ten years later, perhaps accidentally, he is punished exactly as if he had just been caught in the act.

In civil-law cases, too, when the assertions of the parties are contradictory, the judge tries to determine the truth through witnesses. The underlying principle is that the plaintiff and not the accused must prove his assertions. Oaths and oath formulas are unknown. Witnesses, like the parties, are strictly obliged to [577] tell the truth, regardless of whether or not it is damaging to the witness or whether there are ties of kinship with the parties or [687] witnesses. A refusal to give testimony is not permitted; false statements are punished severely.

/254 cont./

692 695 [634] [622] Capital crimes, as well as civil cases in which the defeated has lodged an appeal, are decided incontestably by the great chief. The appeals are therefore as follows: an appeal against the verdict of the village elder goes to the village chief and one against the latter goes to the great chief. In special cases the verdict of the great chief can be appealed to the popular assembly, as has already been set forth in the chapter on "Political Organization," the section, "The Popular Assembly."

695 756 [634] There is no appeal against the verdict of the popular assembly. In ambiguous cases the judge turns to the shaman and instructs him to arrange for ordeals /Ordale/. Such ordeals take place before the popular assembly; they also play a role in criminal law. For example, the following ordeal is customary for the conviction of a criminal. The shaman makes a large carrying basket of split bamboo, which he covers with the clothing of a man. Next he looks among the girls of the village for two virgins, and, to make certain that all necessary conditions for the aims of the ordeal are actually fulfilled, he prefers to select two girls who are still immature and who must hold the basket on two sides. Then /255/ the accused burns several pieces of spirit-money and begs the high Father-Mother spirit to appear and make known the truth. As soon as the basket begins to sway, it is assumed that the high spirit has arrived. With a loud voice the accused now asks whether the high spirit has arrived, and it is assumed that the spirit is in the basket and is influencing the actions of the girls as soon as the covered basket again begins to sway. Next the shaman calls the names of all the suspects, one after the other. If the basket sways when one of the names is mentioned, the question is repeated two more times. If the basket is seen to move again, the culprit is regarded as convicted. If he nevertheless continues to deny his guilt, the shaman asks the girls to point out the culprit. If they now tap him on the shoulder, his guilt is regarded as proved.

/255 cont./

695 [634] An ordeal that a great chief had arranged was described to me as follows. The great chief puts some weapons into water to which has been added the blood of a sacrificed chicken and some alcohol. He now conjures up the high Father-Mother spirit and asks him to destroy the liar within a month. All the suspects must then drink some of the liquid. Whoever dies during this period or is otherwise afflicted by severe misfortune is regarded as guilty.

Poison or fire ordeals, on the other hand, are not used and are unknown, as are duels.

A criminal who in the opinion of the judge has been found guilty but nevertheless denies his guilt is tortured in harsher and harsher fashion. To begin with, his fingers are squeezed into an iron fork and the fork is then heated over an open fire. If the accused continues to deny his guilt, the palms of his hands are burned with red-hot iron. At the conclusion of the torture a piece of each ear and the little finger of the hand with which the crime was committed are cut off.

696 [634] [693] The sentences are executed by the men who stand at the disposal of the village chief or the great chief, four or five of whom are assigned to the great chief and one to the village chief (see also the chapter, "Political Organization," section, "Kingship and Chieftainship").

693 695 The costs of a lawsuit are borne by the guilty. They can be considerable if a popular assembly was convened, since the expenses for it must be defrayed /256/ (see the chapter, "Political Organization," the section, "Popular Assembly"). The plaintiff has to bear all the costs until the culprit is discovered. If he cannot pay them at once, they are treated like a debt assumed by him. If, in spite of all efforts, the person guilty of a crime cannot be discovered, the plaintiff, who in all sincerity cast suspicion upon the wrong person, does not pay the costs. They remain unpaid until the guilty person is discovered, for, as was pointed out, there is no time limitation on lawsuits, even though official investigations are discontinued after three years and discovery is left to chance.

/256 cont./

M 693 634 Besides the direct costs of the lawsuit, which at the least consist of the costs for food for all the persons involved in the case, there are for minor cases, two chickens and plenty of alcohol, and for major cases one or more pigs, which must be added for the great chief and the elders. Moreover, as soon as M 681 [634] the person is convicted or proved guilty, he has to pay the established fine, which is apportioned in accordance with a definite code, as soon as the decision is given by the great chief. Two-twelfths go to the arms-bearing men of the territory under the M [622] great chief; four-twelfths are distributed among the village chiefs of this territory, who use it chiefly to cover the expenses connected with their activities. They also use for this the smaller amounts which they impose independently in petty cases. M [634] The remaining six-twelfths, that is, half of the entire sum which the culprit has to pay, goes to the great chief alone and represents an important part of his income (see also the chapter, "Political Organization," the section, "Kingship and Chieftainship").

M 695 The verdict is given in accordance with definite judicial principles with which all the older men among the Meau are familiar, since this is a matter of customary law handed down for centuries.

M 673 When the verdict is given, a fundamental distinction is made between premeditation and negligence. Hence a deed is punished only if it was intentionally committed. Even for M [682] the negligent killing of a person, among the Meau the culprit is merely required to sacrifice a head of cattle for the soul of the dead.

A 692 622 693 /257/ As in almost all matters, the judicial procedure of the Akha also is considerably simpler and more primitive than that of the Meau. As has already been pointed out, the power of the village chief among the Akha is slight and cannot by any means be compared to that among the Meau. This is also apparent in the judicial procedure. Despite the fact that the Akha have no higher court, say, one comparable A [623] to the great chief of the Meau, beyond the office of the village chief, the village chief is not the supreme and therefore